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SIPDIS

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E.O. 12958: N/A

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SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC):  
DIRECTOR-GENERAL PFIRTER'S NOTE ON DESTRUCTION OF LIBYAN  
UNFILLED BOMBS

This is CWC-25-04.

1. (SBU) The following is the text of a February 23 note provided by OPCW Director General Pfirter to Ambassador Petr Kubernat (Czech Republic), the Chairman of the OPCW Executive Council, regarding an agreement with Libya on destruction of Category 3 munitions (unfilled bombs), which will commence on February 27. Pfirter provided the note due to the fact that destruction under the agreement will begin despite the fact that the Council has not approved the plans for verification of destruction, as required under the Convention, and the Council will next convene only on March 23.

2. (U) Begin Text.

I have the honour to provide you with the following information relating to the activities currently ongoing in Libya in the context of the Chemical Weapons Convention.

As you are aware, the Great Socialist People's Libyan Arab Jamahiriya became a State Party to the Chemical Weapons Convention on 5 February 2004. On the occasion of my visit to Tripoli between 4 and 6 February, the Libyan authorities requested me to send subsequently a team of experts from the Verification, Inspectorate and Legal Divisions to conduct a technical assistance visit. This took place from 16 to 23 February 2004.

In the course of the technical assistance visit, on 20 February 2004, Libya provided the Technical Secretariat with a partial initial declaration which contained the required information on the Category 3 munitions in its possession. At that time Libya also informed the Technical Secretariat of its decision to begin destruction of these munitions on 27 February 2004. Representatives of the Technical Secretariat visited the chemical weapons storage facility that Libya intends to use as a destruction facility for its Category 3 munitions. Thereafter, Libya and the Technical Secretariat agreed on a detailed plan for verification of the destruction of the Category 3 munitions at this facility. It has also been agreed with the Libyan authorities that any destruction activity would be preceded by an initial inspection at the chemical weapons storage facility.

As Your Excellency is no doubt aware, paragraph 56 of Part IV(A) of the Verification Annex of the Chemical Weapons Convention provides that "agreed detailed plans for verification, with an appropriate recommendation by the Technical Secretariat, shall be forwarded to the Executive Council for review." As stated in the paragraph above, such a plan has been prepared and agreed by the Libyan National Authority and the Technical Secretariat. A copy of this agreed plan is attached. All Council members will receive a copy of this agreed verification plan to ensure that they can assess its adequacy, as foreseen in paragraph 57 of Part IV (A) of the Verification Annex.

Given the timelines imposed by the Libyan decision to proceed with the destruction of the materials declared as Category 3 chemical weapons, it might not be possible to convene a meeting of the Executive Council for the consideration outlined in the paragraph above. At the same time, since the destruction will be conducted under systematic verification of the Technical Secretariat, I believe there is merit in the Libyan decision to start the destruction of the declared Category 3 Chemical Weapons on 27 February. In that context, the Technical Secretariat will ensure that, after the initial inspection has been conducted and the declaration of these Category 3 of Chemical Weapons submitted by Libya has been verified, inspectors will remain at the facility and witness the complete destruction process to guarantee the accountability of the operation. The Technical Secretariat will report to the Executive Council in full at its next regular session.

This approach would be consistent with the one taken by the OPCW in the past in respect of the application of systematic verification of destruction operations before approval of the verification plan and conclusion of a facility agreement by the Council, including during the transitional phase after Entry into Force. In addition it would be fully in line with the general principle set out in the Convention that States Parties should eliminate their chemical weapon stockpiles as soon as possible, provided this is done, as in this case, under the stringent verification provided for by the Convention.

I trust Your Excellency will agree with this approach.

Please accept, Excellency, the assurances of my highest consideration.

End Text.

13. (U) Javits sends.  
SOBEL